

**2009 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB496)**

Received: 11/02/2009

Received By: **emueller**

Wanted: **Soon**

Identical to LRB:

For: **Peter Barca (608) 266-5504**

By/Representing: **Matt Egerer**

This file may be shown to any legislator: **NO**

Drafter: **emueller**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Rep.Barca@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Prohibition on text messaging while driving iwth certain exceptions.

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

<END>

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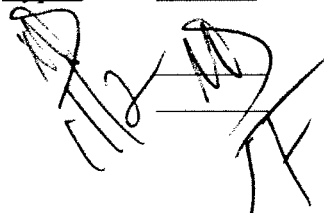
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emueller

1 1/2 jld



FE Sent For:

<END>

## **Mueller, Eric**

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**From:** Egerer, Matt  
**Sent:** Monday, November 02, 2009 2:20 PM  
**To:** Mueller, Eric  
**Subject:** FW: LRB 3488 Sub Request

Eric,

I apologize that we have been so much work on this texting bill, but a while back I'd requested the below sub amendment and we are looking for something close to that again. I don't have the LRB number at my fingertips, but it would:

1. includes electronic messages (e-mail) along with text messages so that blackberrying is clearly included in the ban.
2. Removes the one year restriction on second offenses, so that a second offense that happens several years later will also receive the higher penalty
3. Revives the GPS exemption language from earlier drafts to respond to GM's concerns with On-star to read "but does not include any device whose primary function is transmitting and receiving emergency alert messages and messages related to the operation of the vehicle or an accessory that is integrated into the electrical system of a vehicle, including a global positioning system device."

We also are going to need to add a fourth provision that include a 2-way radio exemption. For the language it is Senate Amendment 1 to Senate Sub Amendment 1 to SB 103.

I also apologize for the short notice, but this could be on the floor for Thursday, so as soon as you could get this back to us would be appreciated.

Matt Egerer  
Office of Representative Peter Barca  
608.266.5504

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**From:** Mueller, Eric  
**Sent:** Tuesday, October 13, 2009 4:27 PM  
**To:** Egerer, Matt  
**Subject:** RE: LRB 3488 Sub Request

Matt,

It doesn't appear that this bill has been introduced yet. If you want, your bill can still be redrafted to make the requested changes. Or I can certainly do this as a substitute amendment. Let me know what you prefer.

Eric

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**From:** Egerer, Matt  
**Sent:** Tuesday, October 13, 2009 3:56 PM  
**To:** Mueller, Eric  
**Subject:** LRB 3488 Sub Request

Eric,

We would like to get a sub amendment drafted for our texting bill, LRB 3488, that would do two things:

First, we want to make sure that electronic mail (e-mail) is expressly banned in the same way that text messages are. We just want to make sure we are covering blackberry usage too, and even apparently some truckers use computers in their cabs, so we would like to cover that too.

Second, we would like to revive the GPS exemption language from SB 103 as initially drafted which was “but does not include any device whose primary function is transmitting and receiving emergency alert messages and messages related to the operation of the vehicle or an accessory that is integrated into the electrical system of a vehicle, including a global positioning system device.”

We have been told that we will likely receive a public hearing on Oct. 22 so any efforts you could make to expedite this request would be greatly appreciated.

Thanks again for all of your work,

Matt Egerer  
Office of Representative Peter Barca  
608.266.5504



State of Wisconsin  
2009 - 2010 LEGISLATURE

0184/1  
LRBs 0160/1  
EVM:nwn:md

keep + jld  
PMNR

ASSEMBLY SUBSTITUTE AMENDMENT ,  
TO 2009 ASSEMBLY BILL 496

In 11/2/09

Today

Gen

- 1 AN ACT *to create* 346.89 (3) and 346.95 (11) of the statutes; **relating to:**
- 2 prohibiting electronic text messaging and electronic mail messaging while
- 3 driving and providing a penalty.

***Analysis by the Legislative Reference Bureau***

Current law prohibits inattentive driving of a motor vehicle, which means that a driver of a motor vehicle may not be so engaged or occupied as to interfere with the safe driving of the vehicle. Any person convicted of inattentive driving may be required to forfeit not less than \$20 nor more than \$400.

This substitute amendment prohibits a person from driving while composing or sending an electronic text message or an electronic mail message. The prohibition does not apply to operators of authorized emergency vehicles or to the use of any device whose primary function is transmitting and receiving emergency alert messages and messages related to the operation of the vehicle or an accessory that is integrated into the electrical system of a vehicle, including a global positioning system device. Persons who violate this prohibition may be required to forfeit not less than \$100 nor more than \$400 for a first offense, and not less than \$200 nor more than \$800 for a second or subsequent conviction.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

or to certain amateur radio operators using dedicated  
two-way radio communication equipment

**SECTION 1.** 346.89 (3) of the statutes is created to read:

346.89 (3) (a) No person may drive, as defined in s. 343.305 (1) (b), any motor vehicle while composing or sending an electronic text message or an electronic mail message.

(b) This subsection does not apply to any of the following:

1. The operator of an authorized emergency vehicle.

2. The use of any device whose primary function is transmitting and receiving emergency alert messages and messages related to the operation of the vehicle or an accessory that is integrated into the electrical system of a vehicle, including a global positioning system device.

**SECTION 2.** 346.95 (11) of the statutes is created to read:

346.95 (11) Any person violating s. 346.89 (3) (a) may be required to forfeit not less than \$100 nor more than \$400 for the first offense and not less than \$200 nor more than \$800 for the 2nd or subsequent conviction.

**SECTION 3. Effective date.**

(1) This act takes effect on the first day of the 7th month beginning after publication.

(END)



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBa0883/1  
ARG:jld:md

INSERT

SENATE AMENDMENT 1,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 2009 SENATE BILL 103

October 20, 2009 - Offered by Senator DECKER.

At the locations indicated, amend the substitute amendment as follows:

1. Page 2, line 20: after that line insert:

(c) This subsection does not apply to an amateur radio operator who holds a valid amateur radio operator's license issued by the federal communications commission when he or she is using dedicated amateur radio 2-way radio communication equipment and observing proper amateur radio operating procedures.

END

INSERT  
2-10